IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3054 OF 2004
IN
APPEAL NO.651 OF 2004
IN
SUIT NO.1637 OF 1980

Ravi Jagannath Mahanti .. Appellant.
V/s.
Parshuram Tukaram Shinde & Ors. .. Respondents.

Mr.Shyam Diwan i/b. Y.M. Chaudhary for the appellant.
Mr.Shailesh Shah i/b. Harakchand & Co. for respondent No.1.
Ms.Rekha Shinde for respondent No.2.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 24TH NOVEMBER, 2004.

P.C. :

Heard.

2. The operation of para 44(2) and (3) of the impugned judgment and decree dated August 13, 2004 shall remain stayed, subject to the appellant's depositing a sum of Rs.40,000/- per month towards use and occupation of the subject premises on and from the month of November, 2004 with the Prothonotary & Senior Master of this Court. Such deposit shall be made by the appellant on or before 10th day of English calender succeeding month. Like for the month of November, 2004 the amount of Rs.40,000/- shall be deposited by the appellant with the Prothonotary & Senior Master on or before 10th

December, 2004 and for the subsequent months accordingly.

3. Upon deposit of the said amount every month by the appellant, the respondent Nos.1 and 2 jointly shall be permitted to withdraw a sum of Rs.20,000/-.

4. The remaining amount shall be invested by the Prothonotary & Senior Master of this court in Fixed Deposit of any nationalised bank for a reasonable period.

5. Liberty to the parties to apply for modification / variation of this order as and when mesne profits are determined pursuant to para 44(5) of the impugned judgment.

6. The order dated July 25, 1995 passed in Notice of Motion No.825 of 1992 in Suit NO.1637 of 1980 shall remain operative and the appellant is directed to abide by the said order until disposal of the appeal.

7. The notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)